

EXHIBIT O

KEITH BLOCK September 17, 2009
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE CORPORATION, a)	
Delaware corporation, ORACLE)	
USA, INC., a Colorado)	
corporation, and ORACLE)	
INTERNATIONAL CORPORATION, a)	
California corporation,)	
)	
Plaintiffs,)	
)	
vs.)	No. 07-CV-1658 (PJH)
)	
SAP AG, a German corporation,)	
SAP AMERICA, INC., a Delaware)	
corporation, TOMORROWNOW,)	
INC., a Texas corporation, and)	
DOES 1-50, inclusive,)	
)	
Defendants.)	
_____)	

VIDEOTAPED DEPOSITION OF
KEITH BLOCK

THURSDAY, SEPTEMBER 17, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR
(1-421905)

KEITH BLOCK September 17, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 133

12:13:25 1

12:13:26 2

12:13:31 3

12:13:34 4

12:13:36 5

12:13:39 6

12:13:40 7

12:13:46 8

12:13:48 9

12:13:52 10

12:13:56 11

12:13:59 12 MR. McDONELL: Q. Are you aware of any

12:14:00 13 kind of reports or statistics within Oracle today

12:14:03 14 that track the extent to which you are losing

12:14:06 15 cross-sell opportunities as a result of competition

12:14:10 16 with SAP?

12:14:14 17 A. Not at my level.

12:14:15 18 Q. At any level?

12:14:16 19 A. Not aware.

12:14:17 20 Q. Are you aware of any -- let's take it

12:14:20 21 beyond today. Let's take it back to 2002.

12:14:28 22 Are you aware of any reports within Oracle

12:14:30 23 that track or measure in any way any lost --

12:14:33 24 cross-sell opportunities that you've lost as a

12:14:35 25 result of competition with SAP?

KEITH BLOCK September 17, 2009
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 134

12:14:41 1 A. Not specifically cross-sell, no.

12:14:44 2 Q. Okay. Let me change the question to,

12:14:46 3 upsell.

12:14:49 4 As we sit here today in 2009, do you have
12:14:51 5 any kind of reports or statistics within Oracle that

12:14:55 6 you're aware of that track your lost upsale

12:15:00 7 opportunities as a result of competition with SAP?

12:15:04 8 A. They wouldn't specifically say it was an

12:15:06 9 upsell win or loss.

12:15:07 10 Q. How about just a win or loss in general?

12:15:11 11 As you sit here today, do you track your wins and

12:15:13 12 losses in competition with SAP?

12:15:15 13 A. I don't get a win/loss -- I think you told

12:15:18 14 you this earlier -- I don't get a win/loss report

12:15:20 15 any more.

12:15:21 16 MS. HOUSE: Asked and answered.

12:15:21 17 MR. McDONELL: Q. So that's -- but my

12:15:23 18 question was more general. It was, 'do you have

12:15:24 19 anything today that tracks your loss of upsell

12:15:31 20 opportunities as a result of competition with SAP?

12:15:33 21 A. And my answer is, I don't have anything

12:15:35 22 specifically that calls out upsell opportunities

12:15:38 23 versus SAP today.

12:15:39 24

12:15:42 25

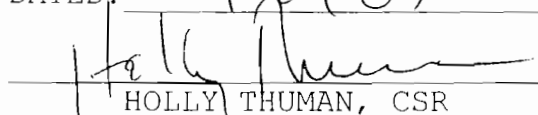
1 CERTIFICATE OF REPORTER

2 I, HOLLY THUMAN, a Certified Shorthand
3 Reporter, hereby certify that the witness in the
4 foregoing deposition was by me duly sworn to tell
5 the truth, the whole truth, and nothing but the
6 truth in the within-entitled cause;

7 That said deposition was taken down in
8 shorthand by me, a disinterested person, at the time
9 and place therein state, and that the testimony of
10 said witness was thereafter reduced to typewriting,
11 by computer, under my direction and supervision;

12 That before completion of the deposition review
13 of the transcript [X] was [] was not requested. If
14 requested, any changes made by the deponent (and
15 provided to the reporter) during the period allowed
16 are appended hereto.

17 I further certify that I am not of counsel or
18 attorney for either or any of the parties to the
19 said deposition, nor in any way interested in the
20 event of this cause, and that I am not related to
21 any of the parties thereto.

22
23 DATED: 9.24.09
24 
25 HOLLY THUMAN, CSR